

Dinsmore&Shohl, LLP
ATTORNEYS

RECEIVED
CENTRAL FAX CENTER
NOV 29 2006

FACSIMILE TRANSMITTAL

November 29, 2006

from **JAMES F. GOTTMAN**Direct: 937-449-6403 / Fax: 937-223-0724 / james.gottman@dinslaw.com**To:** Jamila O. Williams, Examiner**Firm:** MAIL STOP AMENDMENT
Commissioner for Patents**Fax Number:** (571) 273-8300**Client Number:** STD 1222 PA/41213.596**Pages:** 3
(including cover)**Comments:****OFFICIAL OFFICIAL OFFICIAL**

Applicants	:	Vidler et al.
Serial No.	:	10/822,386
Filed	:	April 12, 2004
Title	:	DATA CARRIER FOR HEALTH RELATED INFORMATION
Docket	:	STD 1222 PA/41213.596
Examiner	:	Jamila O. Williams
Art Unit	:	3722
Conf. No.	:	2855

If there are any problems in receiving this transmission, please call Theresa Oldfield at (937) 449-6400 immediately. Thank you.

Notice

This message is intended only for the use of the individuals or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this notice in error, please notify us immediately by telephone and return these papers to us at the address below via first class mail.

Dayton • One Dayton Centre • One South Main Street, Suite 1300 • Dayton, OH 45402-2030 • Phone: (937) 449-6400

RECEIVED
CENTRAL FAX CENTER

NOV 29 2006

OFFICIALOFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

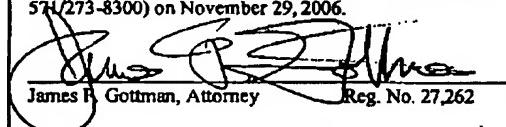
Application of

Applicants : Vidler et al.
Serial No. : 10/822,386
Filed : April 12, 2004
Title : DATA CARRIER FOR HEALTH RELATED INFORMATION
Docket : STD 1222 PA/41213.596
Examiner : Jamila O. Williams
Art Unit : 3722
Conf. No. : 2855

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (Fax. No. 571/273-8300) on November 29, 2006.	
James R. Gottman, Attorney	Reg. No. 27,262

CORRECTED RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

This is responsive to the Office Communication of November 3, 2006, in which the Examiner required election to a single disclosed species for prosecution on the merits. The Examiner indicated that claim 13, as currently presented, is deemed generic. The Examiner identified six patentably distinct species as those shown in Fig. 1, Fig. 2, Fig. 3, Fig. 4, Fig. 5, and Figs. 6 - 8.

In response to this requirement, applicants elect the species of Fig. 3, with the election being made with traverse. Claims covering the species of Fig. 3 are identified as claims 1, 2, 4, 6, 13, and 15.

Serial No. - 10/822,386
Docket No. STD 1222 PA/41213.596

The election is made with traverse because applicants believe that the claims are directed to a single, patentable invention. As the Examiner indicates, claim 13 is generic to all of the species. Upon allowance of claim 13, the Examiner will be required to withdraw the restriction requirement and examine claims to all of the species. Not to examine the species at this juncture, when only a reasonable number of species are presented and when a generic claim is presented, will unduly extend prosecution. The reasonable number of claims in this application, and the limited number of species disclosed in this application, suggest that there would not be a serious burden on the Examiner if all of the species were examined together at the outset. Proceeding with this fashion will unduly burden the applicants with extended prosecution, and may delay the issuance of the instant application. In view of the submission of what applicants believe to be a patentable generic claim, the Examiner should at least treat all of the claims in an initial office action and require election among species only in the event that the generic claim is determined to be unpatentable.

Respectfully submitted,

DINSMORE & SHOHL L.L.P.

By 
James F. Gottman
Registration No. 27,262

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402-2023
Telephone: (937) 449-6400
Facsimile: (937) 449-6405
e-mail: james.gottman@dinslaw.com

JFG/tlo

51139v1